

1-1 By: Van de Putte S.B. No. 904
1-2 (In the Senate - Filed February 27, 2013; March 5, 2013, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 8, 2013, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 8, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the adoption of certain voting procedures necessary to
1-20 implement the federal Military and Overseas Voter Empowerment Act,
1-21 including the modification of certain election deadlines.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 101.007, Election Code, is amended by
1-24 adding Subsection (d) to read as follows:

1-25 (d) The secretary of state shall make a checklist or similar
1-26 guidelines available for optional use by early voting clerks in
1-27 processing an application and providing balloting materials under
1-28 this chapter.

1-29 SECTION 2. Subsection (b), Section 101.107, Election Code,
1-30 is amended to read as follows:

1-31 (b) A voter who receives a ballot under this subchapter must
1-32 return the ballot in the same manner as required under Section
1-33 101.057 except that a voter who completes a signature sheet is not
1-34 required to complete a carrier envelope. Except [and, except] as
1-35 provided by Chapter 105, the voter may not return the ballot by
1-36 electronic transmission.

1-37 SECTION 3. Subsections (a) and (b), Section 172.054,
1-38 Election Code, are amended to read as follows:

1-39 (a) The deadline for filing an application for a place on
1-40 the general primary election ballot is extended as provided by this
1-41 section if a candidate who has made an application that complies
1-42 with the applicable requirements:

1-43 (1) dies on or after the fifth day before the date of
1-44 the regular filing deadline and on or before the first [79th] day
1-45 after the date of the regular filing deadline [before general
1-46 primary election day];

1-47 (2) holds the office for which the application was
1-48 made and withdraws or is declared ineligible on [or after] the date
1-49 of the regular filing deadline [and on] or [before] the first [79th]
1-50 day after the date of the regular filing deadline [before general
1-51 primary election day]; or

1-52 (3) withdraws or is declared ineligible during the
1-53 period prescribed by Subdivision (2), and at the time of the
1-54 withdrawal or declaration of ineligibility no other candidate has
1-55 made an application that complies with the applicable requirements
1-56 for the office sought by the withdrawn or ineligible candidate.

1-57 (b) An application for an office sought by a withdrawn,
1-58 deceased, or ineligible candidate must be filed not later than 6
1-59 p.m. of the fifth day after the date of the regular filing deadline
1-60 [81st day before general primary election day]. An application
1-61 filed by mail with the state chair is not timely if received later

2-1 than 5 p.m. of the fifth day after the date of the regular filing
2-2 deadline [~~81st day before general primary election day~~].

2-3 SECTION 4. Section 172.057, Election Code, is amended to
2-4 read as follows:

2-5 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE
2-6 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A
2-7 candidate's name shall be omitted from the general primary election
2-8 ballot if the candidate withdraws, dies, or is declared ineligible
2-9 on or before the first [~~79th~~] day after the date of the regular
2-10 filing deadline [~~before general primary election day~~].

2-11 SECTION 5. Subsection (a), Section 172.058, Election Code,
2-12 is amended to read as follows:

2-13 (a) If a candidate who has made an application for a place on
2-14 the general primary election ballot that complies with the
2-15 applicable requirements dies or is declared ineligible after the
2-16 first [~~79th~~] day after the date of the regular filing deadline
2-17 [~~before general primary election day~~], the candidate's name shall
2-18 be placed on the ballot and the votes cast for the candidate shall
2-19 be counted and entered on the official election returns in the same
2-20 manner as for the other candidates.

2-21 SECTION 6. Subsections (a) and (c), Section 202.004,
2-22 Election Code, are amended to read as follows:

2-23 (a) A political party's nominee for an unexpired term must
2-24 be nominated by primary election if:

2-25 (1) the political party is making nominations by
2-26 primary election for the general election in which the vacancy is to
2-27 be filled; and

2-28 (2) the vacancy occurs on or before the fifth [~~62nd~~]
2-29 day before the date of the regular deadline for candidates to file
2-30 applications for a place on the general primary ballot [~~general~~
2-31 ~~primary election day~~].

2-32 (c) If the vacancy occurs after the 10th day before the date
2-33 of the regular filing deadline, an application for the unexpired
2-34 term must be filed not later than 6 [~~5~~] p.m. of the fifth day after
2-35 the date of the regular filing deadline [~~15th day after the date the~~
2-36 ~~vacancy occurs or 5 p.m. of the 60th day before general primary~~
2-37 ~~election day, whichever is earlier~~].

2-38 SECTION 7. (a) Section 50, Chapter 1318 (Senate Bill No.
2-39 100), Acts of the 82nd Legislature, Regular Session, 2011, is
2-40 repealed.

2-41 (b) The secretary of state may not adjust or modify affected
2-42 election dates, deadlines, or procedures to implement the federal
2-43 Military and Overseas Voter Empowerment Act under Section 50,
2-44 Chapter 1318 (Senate Bill No. 100), Acts of the 82nd Legislature,
2-45 Regular Session, 2011.

2-46 (c) This section takes effect December 31, 2016.

2-47 SECTION 8. Except as otherwise provided by this Act, this
2-48 Act takes effect September 1, 2013.

2-49 * * * * *